

**FILED**

APR 09 2009

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 09-70296 EMC
Plaintiff,	)	
v.	)	STIPULATION AND <del>[PROPOSED]</del> ORDER
	)	RE: MENTAL EVALUATION
NOEL GILLET,	)	
Defendant.	)	

On April 1, 2009, the parties in this case appeared before Magistrate Judge Zimmerman for the defendant's initial appearance on a Complaint. At that initial appearance, counsel for the government requested that the defendant be evaluated by a psychiatrist or psychologist to determine the defendant's mental condition, pursuant to 18 U.S.C. § 3142(g)(3)(A).

On April 7, 2009, the parties appeared before Judge Zimmerman for a detention hearing, at which time the defendant waived a detention hearing, subject to a preservation of his right to request a detention hearing at a later time. At the April 7 hearing, the parties and the Court discussed the defendant's mental state once again, and the parties agreed to explore what mental

1 evaluation and/or treatment options were available through Pre-Trial Services. The Court agreed  
2 that such an evaluation would be appropriate.

3 After the hearing, counsel for the defendant consulted further with Pre-Trial Services and  
4 was informed that the defendant could be evaluated by a mental health professional, but that a  
5 written order from the Court is required. Pursuant to that requirement, the parties hereby  
6 stipulate that such an evaluation is necessary and respectfully request that the Court order that  
7 such an evaluation be conducted at the direction of Pre-Trial Services. Counsel for the defendant  
8 will coordinate with Pre-Trial Services and communicate with the Government and the Court as  
9 appropriate for future dates.

10  
11 SO STIPULATED:

12 JOSEPH P. RUSSONIELLO  
United States Attorney

13  
14 DATED: April 8, 2009

15 /s/  
KEVIN J. BARRY  
Assistant United States Attorney

16  
17 DATED: April 8, 2009


18 /s/  
LOREN G. STEWART  
Attorney for NOEL GILLET

19  
20 [PROPOSED] ORDER

21 For the reasons stated above and at the hearings in this matter, the Court finds that an  
22 evaluation of the defendant's mental condition by a psychiatrist or psychologist is necessary, and  
23 hereby ORDERS that Pre-Trial Services have such an evaluation be conducted.

24  
25 **IT IS SO ORDERED.**

26  
27 DATED: 4/9/09

28   
THE HON. MARIA-ELENA JAMES  
United States Magistrate Judge